

ORIGINAL

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U.S. DISTRICT COURT E.D.N.Y.

★ NOV 18 2020 ★

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK BROOKLYN OFFICE

Zehava Zelasko

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

NYC Department of Education

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

20-CV-5316

Complaint for Employment

Discrimination

MAUSKOPF, CH. J.,  
BLOOM, M.J.

Case No. 520-2020-02989

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No  
(check one)

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**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Zehava Zelasko</u>
Street Address	<u>PO Box 283</u>
City and County	<u>Bronx NY</u>
State and Zip Code	<u>NY 10471</u>
Telephone Number	<u>646-469-3211</u>
E-mail Address	<u>zzelasko1@gmail.com</u>

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	<u>NYC Department of Education</u>
Job or Title (if known)	<u></u>
Street Address	<u>65 Court Street</u>
City and County	<u>Brooklyn</u>
State and Zip Code	<u>NY 11201</u>
Telephone Number	<u>718-935-4000</u>
E-mail Address (if known)	<u></u>

**Defendant No. 2**

Name	<u></u>
Job or Title (if known)	<u></u>
Street Address	<u></u>
City and County	<u></u>

State and Zip Code

Telephone Number

E-mail Address  
(if known)

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CLERK  
U.S. DISTRICT COURT  
E.D.N.Y.**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is:

Name

Street Address

City and County

State and Zip Code

Telephone Number

NYC Department of Education

65 Court Street

Bklyn  
NY

718-935-4000

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☐ Other federal law (*specify the federal law*):

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☐ Relevant state law (*specify, if known*):

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☐ Relevant city or county law (*specify, if known*):

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### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts (*specify*): \_\_\_\_\_

(*Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.*)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

May 2018, March 2019, June 2-, 2019

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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C. I believe that defendant(s) (check one):

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☐ race \_\_\_\_\_
- ☐ color \_\_\_\_\_
- ☐ gender/sex \_\_\_\_\_
- ☐ religion \_\_\_\_\_
- ☐ national origin \_\_\_\_\_
- ☐ age. My year of birth is \_\_\_\_\_. (Give your year of birth only if you are asserting a claim of age discrimination.)
- ☒ disability or perceived disability (specify disability)  
\_\_\_\_\_

E. The facts of my case are as follows. Attach additional pages if needed.

I was injured on the job with a Concussion.  
in Oct 2017. After my employer started harassing  
me. I was sent letters saying my job performance  
was unsatisfactory. Then in May 2018, I was  
suspended for an incredible reason. Then ~~Oct~~  
in March 2019 I was suspended again  
for no reason. Then in June 2019, I  
was sent a letter saying I was being  
accused of child neglect. I met with  
them around June 2 - 2019 to discuss  
the child neglect charges

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

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**IV. Exhaustion of Federal Administrative Remedies**

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

March 12, 2019

- B. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Notice of Right to Sue letter.  
☒ issued a Notice of Right to Sue letter, which I received on (date)

August 18, 2020

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

- ☐ 60 days or more have elapsed.  
☐ less than 60 days have elapsed.

**V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

At this time moment  
~~At this time moment~~ I would like money  
 compensation for being mistreated and I would  
 like the supervisors to be removed from my  
 record.

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## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Nov 18, 2020

Signature of Plaintiff

Printed Name of Plaintiff

J. Zeloske  
J. Zehava Zeloske

U.S. DISTRICT COURT  
CLERK  
EASTERN DISTRICT OF CALIFORNIA

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CLERK



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## CHARGE OF DISCRIMINATION

For Official Use Only – Charge Number:

EEOC Form 5A (October 2017)

<b>Personal Information</b>	First Name: <u>Zehava</u> MI: _____ Last Name: <u>Zelasko</u> Address: <u>P.O. Box 283 Bronx, NY 10471</u> Apt.: _____ City: <u>Bronx</u> County: <u>NY</u> State: <u>NY</u> Zip Code: <u>10471</u> Phone: <u>646-464-3211</u> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell <input checked="" type="checkbox"/> Email: <u>ZZelasko1@gmail.com</u>
<b>Who do you think discriminated against you?</b>	Employer <input checked="" type="checkbox"/> Union <input type="checkbox"/> Employment Agency <input type="checkbox"/> Other Organization <input type="checkbox"/> Organization Name: <u>NYC Department of Education</u> Address: <u>65 Court Street</u> Suite: _____ City: <u>Brooklyn</u> State: <u>NY</u> Zip Code: _____ Phone: <u>11201</u>
<b>Why you think you were discriminated against?</b>	Race <input type="checkbox"/> Color <input type="checkbox"/> Religion <input type="checkbox"/> Sex <input type="checkbox"/> National Origin <input type="checkbox"/> Age <input type="checkbox"/> Disability <input checked="" type="checkbox"/> Genetic Information <input type="checkbox"/> Retaliation <input checked="" type="checkbox"/> Other <input type="checkbox"/> (specify) _____
<b>What happened to you that you think was discriminatory?</b>	<p><b>Date of most recent job action you think was discriminatory:</b> _____</p> <p><b>Also describe briefly each job action you think was discriminatory and when it happened (estimate).</b></p> <p>I was injured on the job with a concussion. In Oct 2017 <del>my employer started harassing me</del> After my employer started harassing me. I was sent letters saying my job performance was unsatisfactory. Then in May 2018, I was suspended for an uncredible reason. Then I started a perb case against the union because I wasn't protected. Then in Mar 2019 I was suspended again for no reason. I stopped working around May 16 2019. Then in June 2019 I was sent a letter that I was being accused of child neglect. I met with them around June 20, 2019.</p>
<b>Signature and Verification</b>	<p>I understand this charge will be filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address, phone, or email. I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I understand by signing below that I am filing a charge of employment discrimination with the EEOC. I understand that the EEOC is required by law to give a copy of the charge, which includes my allegations and my name, to the organization named above. I also understand that the EEOC can only investigate charges of job discrimination based on race, color, religion, sex, national origin, age, disability, genetic information, or based on retaliation for filing a charge of job discrimination, participating in an investigation of a job discrimination complaint, or opposing job discrimination.</p> <p><b>I declare under penalty of perjury that the above is true and correct.</b></p> <p>Signature: <u>Z. Zelasko</u> Date: <u>March 12, 2019</u></p>



EEOC Form 161 (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Zehava Zelasko**  
**Po Box 283**  
**Bronx, NY 10471**

From: **New York District Office**  
**33 Whitehall Street**  
**5th Floor**  
**New York, NY 10004**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**520-2020-02989**

**Perry Canales,**  
**Supervisory Investigator**

**(929) 506-5318**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

**Perry A. Canales**

Digitally signed by Perry A. Canales,  
 DN: cn=Perry A. Canales, o=Equal Employment Opportunity Commission,  
 ou=New York District Office, email=perry.canales@eeoc.gov, c=US  
 Date: 2020.08.18 18:47:19 -0400

For

**8/17/2020**

Enclosures(s)

**Judy A. Keenan,**  
**District Director**

(Date Mailed)

CC:

**Robin Singer**  
**Associate Counsel**  
**NYC DEPARTMENT OF EDUCATION**  
**52 Chambers Street,**  
**Room 308**  
**New York, NY 10007**

24:6 Wd 81 AON 0202

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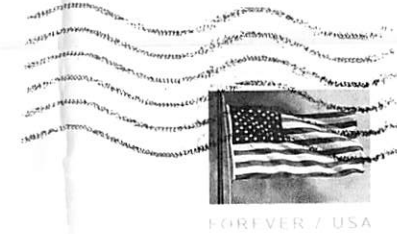
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office  
33 Whitehall Street, 5th Fl  
New York, N.Y. 10004

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NEW YORK NY 100

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Zehava Zelasko  
PO Box 283  
Bronx NY 10471

10471-028383



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\* F.H.F.D. \*



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Clerk of the Court

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